

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CURRAX PHARMACEUTICALS LLC,	)	
	)	
Plaintiff,	)	C.A. No. 20-01064-RGA
	)	
v.	)	
	)	
MSN LABORATORIES PRIVATE	)	
LIMITED and MSN PHARMACEUTICALS	)	
INC.,	)	
	)	
Defendants.	)	

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**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL**

The Court, upon the consent and request of Plaintiff Currax Pharmaceuticals LLC and Defendants MSN Laboratories Private Limited and MSN Pharmaceuticals Inc. (collectively, “Defendants”), hereby acknowledges the following Stipulation and issues the following order.

**STIPULATION**

Plaintiff has charged Defendants with patent infringement in connection with Defendants’ submission to the U.S. Food and Drug Administration (“FDA”) of Abbreviated New Drug Application (“ANDA”) No. 214823 seeking approval to engage in the commercial manufacture, use, and/or sale of a 3 mg doxepin hydrochloride product and a 6 mg doxepin hydrochloride product (collectively, the “MSN ANDA Products”).

Defendants admit that the submission of ANDA No. 214823 to the FDA for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use, and/or sale of the MSN ANDA Products within the United States before the expiration of the asserted patents was an act of infringement under 35 U.S.C. § 271(e)(2)(A).

Defendants admit that the commercial manufacture, use, offer for sale and/or sale of the MSN ANDA Products within the United States, and/or the importation of such products into the United States, before the expiration of the asserted patents, other than in accordance with a license or other authorization from Plaintiff, would infringe such patents.

Defendants admit that the asserted patents are valid and enforceable solely with respect to MSN ANDA Products.

The Parties agree that the remaining claims, counterclaims, and defenses in this action should be dismissed without prejudice.

### **ORDER**

Accordingly, pursuant to the above Stipulation, and upon the consent and request of the Parties, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

a) The Parties' claims and defenses with respect to the asserted patents are hereby dismissed without prejudice;

b) Defendants, their officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering to sell and selling within the United States, and importing into the United States, the MSN ANDA Products during the life of the asserted patents, including any extensions and pediatric exclusivities, absent a license or other authorization from Plaintiff, except to the extent permitted by the Settlement and License Agreement, and any subsidiary agreements, entered into between the Parties, dated November 11, 2022.

c) This Stipulation and Order shall finally resolve this action (the “Action”) between the Parties, and the Parties each expressly waive any right to appeal or otherwise move for relief from this Stipulation and Order;

d) This Court retains jurisdiction over the Parties for purposes of enforcing this Stipulation and Order; and

e) Each Party shall bear its own fees and costs in connection with the Action, including attorney fees.

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*Attorneys for Defendants MSN Laboratories  
Private Limited and MSN Pharmaceuticals,  
Inc.*

DATED: November 16, 2022

SO ORDERED this 16th day of November, 2022.

/s/ Richard G. Andrews

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The Honorable Richard G. Andrews  
United States District Judge